

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

CLERK OF DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2013 FEB -6 AM 8:15

DEPUTY CLERK 

MYKAL MADISON,  
TDCJ No. 1274016,

Plaintiff,

v.

MARY TEMPLETON,

Defendants.

Civil No. 7:12-CV-156-O-BL

REPORT AND RECOMMENDATION

This is a civil rights action filed by an inmate who, at the time of filing, was confined in the Allred Unit of the Texas Department of Criminal Justice in Iowa Park, Texas. Defendant is a guard at the Allred Unit. Plaintiff claims that Defendant hit him on the arm with a steel bar cause extreme pain. Complaint ¶ V. On January 29, 2013 a questionnaire was issued to Plaintiff by the Court. The answers to the Court's questions are necessary to determine whether Plaintiff has stated a colorable civil rights claim. On February 4, 2013, the questionnaire was returned to the Clerk of Court as undeliverable. Stamped on the envelope are the words "RETURNED TO SENDER." Handwritten on the front of the envelope are the words "RTS ... Discharged." Because Plaintiff's current address is unknown, this case cannot proceed.

It is therefore RECOMMENDED that this case be DISMISSED without prejudice to Plaintiff's right to re-open the case, provided he files a written request within thirty days of dismissal. After thirty days, Plaintiff should be required to file a new complaint if he wishes to pursue his claims.

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file

specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

SO ORDERED this 6th day of February, 2013.

  
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E. SCOTT FROST  
UNITED STATES MAGISTRATE JUDGE